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28 JUNE 2007

Attorney Docket No. PG5023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter Franz Ertl.
Serial No.: 10/533,734 Art Unit: 1648
Filed: 19 May 2006 Examiner: Kinsey, N.
For: HIV VACCINE

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Sir:

Applicant submits this Response in reply to the Restriction Requirement dated 31 May 2007. A one-month (30 day) period was set for response, thus, this amendment and response is timely filed on or before 02 July 2007. Applicant believes no fees are due. Nonetheless, the Director is hereby authorized to deduct any fees required in association with submission of this amendment and response from Deposit Account No. 19-2570.

ELECTION/RESTRICTION

A requirement for restriction has been made under 35 U.S.C. §121 (37 C.F.R. §1.142) between the inventions of:

- I. Claims 1-24, 28-31 and 36, with a technical feature of a polynucleotide comprising a sequence encoding an HIV envelope protein, which is substantially nonglycosylated.
- II. Claims 25-27, with a technical feature of a fusion protein comprising a substantially nonglycosylated HIV envelope protein.
- III. Claim 32, with a technical feature of a method for treating a patient by administering a composition comprising a vector encoding an HIV envelope protein, which is substantially nonglycosylated; and
- IV. Claim 35, with the technical feature of a method for producing a [polynucleotide of Group I..

Applicant elects the subject matter of Group I (Claims 1-24, 28-31 and 36) without traverse. Applicant notes that the subject matter of Groups I and IV are related to each other as product and process of making the product. Similarly the subject matter of Groups I and III are related to each other as product and process of using the product. When product claims (for

example, one or more of claims 1 or 28) are found to be allowable, Applicant respectfully requests rejoiner of process claims (32 and 35) that are dependent, or otherwise include all of the limitations, of the allowed product claims as required by MPEP §831.04(b).

Applicant reserves the right to prosecute the subject matter in the non-elected claims, originally filed claims, or any other claims supported by the specification in one or more continuing patent applications.

CONCLUSION

Applicant elects Group I without traverse (claims 1-24, 28-31 and 36). Applicant believes that the application is now in condition for substantive examination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gwynedd Warren', with a long horizontal flourish extending to the right.

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